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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re LEA G.,

a Person Coming Under the Juvenile Court Law.

B264811
(Los Angeles County
Super. Ct. No. DK09780)

LOS ANGELES COUNTY DEPARTMENT
OF CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

ROSEMARIE O.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Julie F. Blackshaw, Judge. Affirmed.

Gina Zaragoza, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Dawyn R. Harrison, Assistant County Counsel, and Sarah Vesecky, Senior Deputy County Counsel, for Plaintiff and Respondent.

Rosemarie O. (mother) appeals from jurisdictional findings of the dependency court made under Welfare and Institutions Code section 300, subdivisions (b), (d) and (j)¹ as to her youngest daughter, Lea (born Oct. 2007). The court found jurisdiction based on allegations that Lea's presumed father, Pedro G. (father) subjected mother's eldest daughter and Lea's half-sister, M.O. (born March 1997) to sexual abuse, beginning when M.O. was 16-years-old, and that mother reasonably should have known of the sexual abuse but failed to protect M.O., and that her failure to do so endangered Lea and placed her at risk of harm and sexual abuse. Mother contends there is insufficient evidence to support the jurisdictional findings. We conclude otherwise and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Mother and father, who are not married, have been involved in a relationship since 2002, and lived together from 2005 until late February 2015.² The family came to the attention of respondent Department of Children and Family Services (DCFS) on February 28, after the Los Angeles Sheriff's Department (LASD) received information that two people were engaging in sexual intercourse in a car parked on a public street. Deputies responded to the call and found father and then-17-year-old M.O. engaged in sexual intercourse in father's car. M.O., who said she would soon be 18-years-old, was very upset, not forthcoming with information and told deputies the sex was consensual. Father initially denied but later admitted being involved in a sexual relationship with M.O. He told deputies he "love[d M.O.] like a daughter and

¹ Undesignated statutory references are to the Welfare and Institutions Code.

² Unless otherwise stated, date references are to calendar year 2015.

. . . enjoy[ed] spending time with her,” but conceded that he brought her to the location where they were found in his car “for the purpose of having sex,” and claimed their sexual relationship was consensual. Father was arrested on charges of statutory rape and oral copulation involving a minor. (Pen. Code, §§ 261.5, subd. (a), 288a, subd. (b)(1).)

A DCFS children’s social worker (CSW) interviewed M.O. at the LASD station. M.O. was born and had lived in the Philippines with paternal relatives until 2011, when mother brought her to Los Angeles at age 14 to live with her, Lea and father. M.O.’s biological father, B.M., lives in Canada. Mother moved to the United States when M.O. was eight months old. M.O. had not lived with mother, Lea and father since 2014, when mother sent her to Canada, purportedly to spend a summer vacation with B.M., but then cancelled her daughter’s return flight. Mother later explained to the CSW that she had decided without telling M.O. that the child could no longer live in the family home because she was disruptive, behaved poorly and was a negative influence on Lea. M.O. argued with mother, did not want to do her chores or obey mother’s rules, cursed at mother and the two of them did not get along. M.O. resented the fact that mother did not raise her, and acknowledged being jealous of Lea, whom mother had raised from birth. Mother’s attempt to have M.O. live with B.M. in Canada was unsuccessful because M.O. also had difficulty getting along with B.M. and his girlfriend. B.M. planned to send M.O. back to the Philippines, but agreed to the request of M.O.’s paternal aunt, Roberta F., to let M.O. live with her and other paternal relatives in the United States to get a good education.

M.O. told DCFS that she and father had been involved in a sexual relationship for 12–18 months. She said father “was always very kind to her and . . . she kind of fell in love with him.” Their relationship became romantic after he kissed her when she was 16 years old. They first had sex one day while mother was at work and Lea

was in another room watching television. Father was M.O.'s first sexual partner. She denied that he had forced or threatened her, and claimed to like having sex with him. She had not told mother because she did not want him to get in trouble. She and father communicated by Skype daily and met secretly every week to have sex, usually at a local hotel. On the evening of February 28, he picked her up after her family left to attend a wake. M.O. did not believe father should be arrested for engaging in consensual sex.³

Mother contacted the LASD while M.O. was being interviewed and learned what had happened. When M.O. was brought to her home, mother hugged and kissed her daughter. After M.O. went to bed, mother told the CSW she was shocked and hurt by father's conduct. She had been involved in a relationship with him for 14 years, and they had a seven-year-old daughter, Lea. He had never shown any sign that he would do "this kind of thing." Mother seemed very upset that father had taken advantage of M.O.

Mother told the CSW that she had been forced to leave M.O. behind in the Philippines because B.M. refused to sign the necessary papers. Mother sent the paternal relatives money every month and visited M.O. every year. B.M. finally allowed M.O. to join mother in the United States when the child was 14. However, when M.O. arrived in the United States she did not appreciate the opportunities provided to her. She was defiant, disobedient and disrespectful.

Mother told DCFS that, from the outset, father tried to make M.O. feel like part of the family. He acted fatherly toward her, and the two of them got along well. M.O. was unaccustomed to affection or kindness from a father figure, and mother

³ The District Attorney declined to charge father after M.O. refused to testify.

believed the girl did not understand that a father could be affectionate without being romantic; she felt father had taken advantage of M.O.'s youth. Mother "always talked" to her daughters about "sexual abuse and other issues" to ensure they would know what to do if abused, and asked if they had experienced similar problems. M.O. said nothing to make mother suspect father had acted inappropriately or that anything had occurred between them.

Mother gave M.O. several chances to improve her behavior, but their relationship did not improve. M.O.'s relationship with Lea fared no better. So (against M.O.'s wishes), mother sent M.O. to Canada. But B.M. experienced similar behavioral problems and planned to send M.O. to the Philippines until Roberta interceded and he agreed to let her stay in the United States. Mother did not often see M.O. after her return. M.O. was angry and continued to exhibit negative behavior toward her. Mother did not know that father was in contact with M.O. Mother did think M.O. would benefit from counseling, but also believed the girl would not listen to anything she said.

The CSW spoke with Roberta on March 1. Roberta was unable to explain how the situation between M.O. and father had occurred. She had given M.O. the degree of freedom she believed appropriate for a 17-year-old who regularly attended school, got good grades and did not cause problems or demonstrate negative behavior. Roberta had no idea that M.O., who was quiet and uncommunicative, was involved in a romantic relationship. Roberta believed M.O. was angry, felt abandoned by her parents and would benefit from counseling to address her anger, the sexual abuse and other issues.

On February 28, Lea was detained from father, but permitted to remain with mother. On March 3, mother informed DCFS that father had been released from jail and asked repeatedly if she and Lea could have contact with him.

On March 4, DCFS filed a section 300 petition, alleging under subdivisions (b), (d), and (j), that both girls were at risk of harm due to father's sexual abuse of M.O. The petition also alleged that mother knew or reasonably should have known of the sexual abuse, and her failure to protect M.O. placed both girls at risk. A detention hearing was conducted as to Lea on March 4, and she was maintained in her mother's custody. The petition was dismissed the following day as to M.O., who had turned 18-years-old.

A jurisdictional/dispositional hearing was conducted on May 5. In preparation for that hearing DCFS reported on its March 29 interview of mother. She still insisted she had no idea father and M.O. had been sexually involved, and was disappointed and hurt that father was not the person she had believed him to be. Mother remained uncertain about the future of her relationship with father. She told the CSW that, when M.O. lived with her, she kept to herself and made no effort to fit in with the family. She described M.O. as “troubled” and unable to accept the fact that she was left behind in the Philippines while mother went off to start a new life. She complained that M.O. was unkind and disrespectful to Lea, and rejected Lea's efforts to get close to her.

When asked if she tried to find professional help to improve her relationship with M.O., or if she believed M.O. would have benefitted—or could benefit—from therapy, mother said only that she tried to reach out to M.O. who defiantly rejected her, and that mother wanted to give M.O. some “space.” Mother reiterated that she had talked to her daughters about “good” and “bad” touches, and M.O. had never told her anything. Mother believed the sexual relationship between father and M.O. had developed while the girl was living with Roberta because the child was not properly supervised. She claimed it would not have happened if M.O. had been living with her because she strictly monitored the girl's activities.

The CSW opined that mother placed substantial blame on the paternal relatives for interfering with her relationship with M.O. Mother avoided discussing her feelings about M.O., but readily highlighted her bonded, loving relationship with Lea. In the CSW's view, mother implied that M.O. was the problem and avoided discussing father's role at all, other than to say he had betrayed her.

DCFS interviewed father on March 30. He denied the allegations, and claimed he had been "set up" by law enforcement and did nothing other than take M.O. to buy school supplies on February 28. He said M.O. fabricated the allegations because "she hates her mother," and "this [was] a way to hurt her." He said he had "always been kind to [M.O.] and treated her like a daughter."

DCFS interviewed M.O. again on April 4. She admitted that, while living in the Philippines, she often had wondered why mother left and started a new family without her. M.O. did not recall either of her parents coming to visit her. She did recall speaking to them on the phone, but the conversations were short and superficial. When M.O. arrived in Los Angeles in 2011, she had a hard time adjusting to mother's new family and felt like an outsider. It made her sad to see how loving mother was with Lea. Mother encouraged M.O. to discuss her feelings but she was unable to open up to mother, who was a stranger. Father reached out to M.O. as soon as she arrived, validating her feelings of abandonment by telling her he understood how she felt.

The sexual abuse began in spring 2013. The first incident occurred when M.O. awoke from a nap to find father rubbing her back, while Lea was in another room watching television. A few days later, he affectionately stroked her arms as they sat on the couch discussing the strained relationship between mother and M.O. M.O. was frightened, knew what father had done was wrong, and was afraid of what would happen if mother found out. About a week later, father embraced and kissed M.O. She told him she did not believe what they were doing was right. He said mother

would be mad if M.O. said anything and would blame her and evict her from the house.

Within a few weeks, the abuse escalated to sexual intercourse which took place in the home when mother was away at work. The first time they had intercourse M.O. told father that what occurred was wrong. Father acknowledged that what they had done was wrong, but told M.O. to maintain secrecy because he would be sent to jail if anyone found out. When mother came home M.O. felt ashamed and afraid. She and father had sex about once every two weeks while mother was at work.

M.O. did not tell B.M. about the sexual abuse when she visited him in Canada in 2013 because she was afraid she would be blamed. The abuse continued after she returned, and father began confiding his personal problems with mother to M.O. The relationship between M.O. and father created additional distance between M.O. and mother because M.O. felt ashamed, angry and conflicted about the situation and her relationship with father.

Mother had surgery in spring 2014 and needed M.O.'s help. But M.O. often stayed away from home at that time because she felt awkward being in the house with both mother and father. Mother was very angry that M.O. did not stay home to help her. Although M.O. apologized, mother refused to forgive her. Afterwards, mother sent M.O. to Canada for what mother believed would be a permanent change of residence and M.O. thought was just a summer vacation, until mother cancelled her return flight. M.O. and father resumed their sexual relationship a month after she returned from Canada and began living with Roberta. They saw each other about once a week and had sex mostly at local hotels.

M.O. felt responsible for the fact that father was in jail and was reluctant to cooperate with DCFS's investigation. She had not meant to hurt mother, she simply did not think about the consequences of her actions. Mother disowned M.O., and told

her daughter she would never forgive her and that she was “dead to [her].” M.O. told the CSW she had “tried to apologize but that her mother would not hear her.” The night of father’s arrest on February 28, mother told M.O. it was up to her to explain what happened to Roberta and her paternal relatives, and forced M.O. out of her car two blocks from Roberta’s house, telling her to walk the rest of the way. M.O. said her relatives felt betrayed, that B.M. also disowned her and that she regretted hurting so many people. She tried to reach out to mother to apologize, but mother refused to take her calls. Among other things, mother’s refusal to speak to M.O. was impacting M.O.’s ability to obtain information she needed to get financial aid for college. M.O. wished mother would forgive her and give her another chance. She felt sad, ashamed and blamed herself for the situation, relieving father of any responsibility. M.O. had not been in contact with father since February 27 and did not intend to have further contact.

Roberta and her family were worried about M.O., whose parents had rejected her. They were closely watching her, afraid that father might take advantage of the girl’s vulnerability. Roberta was troubled that mother refused to accept or return M.O.’s calls, and confirmed that mother’s refusal to communicate was impacting M.O.’s ability to obtain financial aid for school. Roberta was working to obtain therapy for M.O.

DCFS continued to have significant concern regarding the extent to which father seduced and manipulated M.O., and exploited her vulnerability, inexperience and the fragility of her tenuous relationship with mother over the course of two years, creating an environment in which he knew she would be unlikely to tell mother about the seduction for fear she would be blamed and rejected by the entire family. Father convinced M.O. she would “get him in trouble” if she told anyone, and encouraged her to believe theirs was a consensual sexual relationship. He also had shown a lack

of empathy for M.O. or remorse for the harm he caused her, and a pervasive pattern of manipulation. In addition, he viewed himself as the victim and injured party, and lacked insight into his own role in the current family dynamic. In DCFS's opinion, these concerns combined to place the family at high risk of future abuse.

DCFS also expressed significant concern that, notwithstanding her initial expression of support, mother blamed M.O. for the sexual abuse perpetrated by father. Specifically, although she believed father had exploited M.O.'s youth and need for a father figure, DCFS opined that "mother's actions [blaming M.O., accusing her of betrayal, excluding her daughter from her life and disowning her] clearly indicate[d] that . . . mother holds [M.O.] responsible for the current family situation." DCFS also was concerned that mother was less invested in developing a parental bond with M.O. than with Lea, and made no real effort to develop (or repair) her relationship with M.O. once the girl came to the United States. She spent no time alone with M.O., and there was no indication she had sought counseling or professional help for M.O. to address the issues that had arisen between them.

A combined jurisdiction and disposition hearing was conducted on May 5. Father denied the allegations. Mother argued there was no evidence that she knew or reasonably should have known about the sexual abuse, focusing on the fact that: (1) M.O. was now an adult, (2) mother was away from the house when the sexual abuse occurred, and (3) there was no evidence she failed to protect Lea.

Lea's counsel requested that the court strike the language that mother knew about the sexual abuse, and sustain the petition as amended. Her counsel argued the issue involved a lack of supervision as a result of the troubled relationship between mother and M.O., and that mother "reasonably should have known" of the sexual abuse. In counsel's view, if mother had properly supervised "[M.O.] when she was a minor, mother would have been talking with her more about these types of issues." In

addition, “despite all of their issues, the mother never sought out any sort of therapy for [her and M.O. together] or for [M.O. alone]. Had she done so, . . . [M.O.] might have felt more comfortable talking to her mother about what was going on.” Lea’s counsel also was concerned that mother had minimized father’s role in the sexual abuse, and impliedly was placing the blame on M.O.

DCFS agreed with Lea. DCFS also urged the court not to ignore the fact that father’s sexual abuse began when M.O. was a child and took place numerous times over the course of the time during which she was in mother’s care and custody, and mother should have been aware of the abuse. Indeed, DCFS argued that mother had essentially conceded this fact when she blamed the abuse on the purportedly lax supervision of Roberta, claiming no abuse would have occurred if M.O. had been living with her because she had strictly monitored the girl’s activities. Regardless of the fact that M.O. appeared to have bounced between homes, counsel argued that it remained mother’s responsibility to supervise her daughter. And, although counsel understood that mother’s feelings were hurt, M.O. was the child and the victim here. Under the circumstances, mother’s comments to her daughter after learning she was sexually abused that she would never forgive her and that M.O. was dead to her were truly “alarming.”

The juvenile court agreed with Lea’s counsel and DCFS. The court observed that father’s sexual abuse had been extensive. Mother had “a responsibility to know [what was] going on in [her] daughter’s life,” particularly when the abuse occurred with the man with whom mother lived and was not an isolated event, but instead took place over “a very long period of time, and . . . was very egregious sexual abuse.” The court explained that parents must remain vigilant to ensure such abuse does not occur. Here, the court observed the sexual abuse was not “even perpetrated by somebody outside of [mother’s] home that [she] didn’t know. It was somebody that

[she] knew and [she] lived with. So it was really right under [mother's] own roof, and [she] didn't understand it was happening.” With regard to the risks posed to Lea by father's sexual abuse of her half-sister, the court found “some of the most compelling evidence” to be mother's reaction when she learned that father had sexually abused M.O.: mother “didn't want to protect her. [She] blamed her. [Mother was] angry at her, which makes [the court] think that [mother] would not protect [Lea] either. [Mother's] reaction to [M.O.] wasn't that of a protective mother. It was completely the opposite of that,” and that was sufficient evidence that mother would also fail to protect Lea. After striking the allegation that mother knew of the abuse, the court sustained the following allegations, under section 300, subdivisions (b), (d) and (j):

“On 02/28/2015 and on numerous prior occasions, the children [M.O.] and Lea's mother, [mother]'s male companion, [father], father of the child [Lea], sexually abused the child, [M.O.], since the child was 16 years old by engaging in sexual intercourse with the child. On prior occasions, . . . father fondled the child's body and kissed the child. On 02/28/2015, . . . father was arrested for child sexual abuse. The mother reasonably should have known of the sexual abuse of the child by . . . father. Such sexual abuse of the child [M.O.] by . . . father and the mother's failure to protect the child create[s] a detrimental home environment and places the child's sibling, [Lea], at risk of serious physical and emotional harm, damage, danger, sexual abuse and failure to protect.”

Proceeding to disposition, the court declared Lea a dependent, removed her from father's custody and ordered maintenance services for mother. Mother timely appeals the jurisdictional findings.⁴

DISCUSSION

⁴ Father is not a party to this appeal, and there is no challenge to the court's jurisdictional findings as to him or the dispositional order.

Mother argues that the evidence is insufficient to support the juvenile court's jurisdictional findings as to Lea under section 300, subdivisions (b), (d) and (j).

1. *Controlling Principles and the Standard of Review*

DCFS has the burden of proving by a preponderance of the evidence that a child is a dependent of the court under section 300. (*In re I.J.* (2013) 56 Cal.4th 766, 773 (*I.J.*); § 355, subd. (a).) In an appeal challenging the sufficiency of the evidence supporting jurisdictional findings, we determine if there is substantial evidence, contradicted or not, to support those findings. (*Ibid.*) We draw all reasonable inferences from the evidence to support the dependency court's findings and orders, and review the record in the light most favorable to its determinations; issues of fact and credibility are the province of the trial court. (*Ibid.*) We do not reweigh evidence or exercise our independent judgment. (*Ibid.*) We determine only whether the record contains sufficient evidence to support the juvenile court's findings. (*Ibid.*)

2. *The Court Will Address the Merits of Mother's Appeal*

As a preliminary matter, DCFS maintains that we need not address mother's evidentiary challenge because she has not challenged the jurisdictional findings as to father or the dispositional order. Rather, she challenges only the potential impact on future proceedings of the factual finding that she reasonably should have known that father sexually abused M.O. and that her failure to protect one child placed the other at risk. "When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court's jurisdiction, a reviewing court can affirm the juvenile court's finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the

petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence.’ [Citation.]” (*I.J., supra*, 56 Cal.4th at p. 773.) The jurisdictional findings as to father are not at issue.

However, as mother argues in her reply brief, the jurisdictional findings as to her may impact her interests in future dependency proceedings. Therefore, we exercise our discretion to reach the merits of mother’s challenge to the jurisdictional finding as to her. (See *In re Drake M.* (2012) 211 Cal.App.4th 754, 762–763 (*Drake M.*); *In re D.C.* (2011) 195 Cal.App.4th 1010, 1015.)

3. *Substantial Evidence Supports the Jurisdictional Findings*

a. *Section 300, subdivisions (b) and (d)*

A child is within juvenile court jurisdiction under section 300, subdivision (b) if she “has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of . . . her parent or guardian to adequately supervise or protect” her. (§ 300, subd. (b)(1).) “To establish jurisdiction under section 300, subdivision (b), [DCFS] must prove by a preponderance of the evidence that there was neglectful conduct by the parent in one of the specified forms; causation; and “serious physical harm . . .” to the child or ‘substantial risk’ of such harm [Citations.]” (*In re R.C.* (2012) 210 Cal.App.4th 930, 941.) Subdivision (d), in turn, requires a showing of “a substantial risk that the child will be sexually abused, as defined in Section 11165.1 of the Penal Code,^[5] by . . . her parent . . . , or the parent . . . has failed to

⁵ Penal Code section 11165.1, subdivision (a), defines “sexual abuse” to include statutory rape and oral copulation with a child, the crimes charged against father.

adequately protect the child from sexual abuse when the parent . . . knew or reasonably should have known that the child was in danger of sexual abuse.” (§ 300, subd. (d).)

Mother does not dispute the court’s evidentiary finding that father regularly engaged in sexual abuse of M.O. beginning when she was 16 years old and living in the family home. The court found no evidence that mother actually knew her live-in companion was molesting her teenage daughter, but did find she reasonably would have known about the abuse had she been appropriately vigilant. The juvenile court also was troubled by mother’s reaction after she learned about the abuse. Initially, mother responded in an appropriately loving, protective manner, concerned that father had exploited the girl’s youth and inexperience. That same night, however, after the CSW left, mother’s attitude shifted. She took M.O. back to Roberta, dropping the girl off blocks from her aunt’s home, and left it to her to explain father’s sexual abuse to her relatives. Mother’s insensitivity and hostility quickly increased, to the point that she refused to accept M.O.’s apologies or even to speak to her daughter, except to tell her she was disowned and “dead to [mother].”

The record clearly reveals that, after living apart for many years, the reunion between mother and the daughter she left in the Philippines 14 years earlier was decidedly difficult. Mother expected the girl to appreciate opportunities she provided, including the chance to be part of her family’s life. Instead, mother encountered a disrespectful, disobedient teenager. The two were strangers to one another and mother, the adult, failed to appreciate the difficulties M.O. experienced as she transitioned to a new life and family, or the fact she felt displaced by and jealous of her half-sister. Rather than empathetically trying to facilitate M.O.’s adjustment during this difficult period, mother responded with hostility. Instead of

obtaining counseling to address and help repair a strained relationship, mother surreptitiously sent M.O. away to live in Canada on the ruse that she was going there only to spend summer vacation.

When M.O. found it awkward to be in the house with both mother and father, and stayed away after mother's surgery, mother berated her for not helping and refused to accept M.O.'s apologies. Mother was understandably upset that M.O. had been unavailable when she needed her. In hindsight, however, it is equally understandable that mother's increased hostility, combined with the stress and awkwardness generated by the 14-year separation and father's sexual abuse, would cause M.O. to be less likely to confide in mother about the abuse. The teen's reluctance to confide in mother was even more understandable in light of the fact that, from the outset, father warned M.O. that if she revealed the sexual abuse, mother would blame her and evict her from the home.

After M.O. returned from Canada to live with her paternal relatives, mother continued to shirk her responsibility to supervise her still-minor daughter. She acknowledged to DCFS that she did not see M.O. "much" after she began living with Roberta, explaining that her daughter still seemed "to be angry and exhibited negative behavior towards her." Although mother believed M.O. "would benefit from counseling," she made no effort to obtain counseling for M.O. at any point after her arrival in the United States. Even after learning about the sexual abuse, mother chose to disown M.O., leaving it to Roberta to try to find counseling for M.O. Mother concedes that the sexual abuse occurred because M.O. was not adequately supervised, although she places the blame for that lax supervision squarely on Roberta and her family. The court disagreed. It found that it was mother's responsibility to know what was going on in her daughter's life, and she should have known about the abuse. The court believed that mother's conduct and

attitude toward her daughter had essentially erected a potentially impenetrable barrier between them and kept her from learning the truth.

Further, mother failed to acknowledge she had a responsibility to supervise her child. When difficulties arose between them, she chose to wash her hands of M.O. even before learning of the sexual abuse. In the court's view, it was that attitude that kept mother from knowing what she reasonably would and should have known had she made an appropriate effort to try to build or repair her parental relationship with M.O.

The court's belief that mother also would fail to protect Lea under similar circumstances was evidenced by her response to the sexual abuse of M.O. Mother's initial display of parental sympathy and concern, and outrage at father was short-lived. Within hours, mother decided M.O. was on her own in terms of explaining the situation. Soon after that, she decided never to forgive her daughter (for having been sexually exploited and abused by father), rebuffed her child's attempts to reach out to her and decided the girl was effectively "dead." The court was not persuaded by mother's explanation that shunning M.O. was really an effort to give M.O. some "space."

The radical shift in mother's attitude in the two months from the time father was arrested to the date of the jurisdictional hearing bear out the court's conclusion that mother lacked insight, empathy or concern for M.O., and that this behavior endangered Lea. Mother blamed 16-year-old M.O. for being sexually molested by mother's long-term partner and Lea's co-parent, and remained focused on father's betrayal of her rather than the harm he inflicted on her child. In light of mother's focus on her own needs and the absence of insight regarding or concern for M.O., the court had little reason to believe mother would act in an appropriately protective manner if faced with a similar situation regarding Lea. This issue is not

purely academic, given that mother has told DCFS she has not decided what to do about her relationship with Lea's father. Given mother's response to the sexual abuse perpetrated on M.O., we cannot conclude there is insufficient evidence to support the juvenile court's conclusion that mother would be similarly unprotective of Lea in the event she too were to "betray" mother by being sexually abused by father. Accordingly, we conclude that substantial evidence supports the finding that Lea is at risk of suffering serious harm as a result of mother's conduct, and the counts pled under section 300, subdivisions (b)(1) and (d) are affirmed.

b. *Section 300, subdivision (j)*

"Subdivision (j) applies if (1) the child's sibling has been abused or neglected as defined in . . . other subdivisions [including (b) and (d)] and (2) there is a substantial risk that the child will be abused or neglected as defined in those subdivisions." (*I.J., supra*, 56 Cal.4th at p. 774; § 300, subd. (j).) There is no dispute that father sexually abused M.O. beginning when she was 16 years old as defined in subdivision (d).

As for the second requirement, subdivision (j) was meant "'to expand the grounds for the exercise of jurisdiction as to children whose sibling has been abused or neglected as defined in'" the specified subdivisions. (*I.J. supra*, 56 Cal.4th at p. 774.) Subdivision (j) does not require that the risk facing the child be the same sort of abuse or neglect as suffered by her sibling. (*Ibid.*) The subdivision contains a number of factors for the court to consider, including: "'the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.'" (§ 300, subd. (j).)"

(*Ibid.*) The nature of the abuse of a sibling is only one of several factors to be considered in assessing whether a child is at risk. (*Ibid.*) ““Subdivision (j) thus allows the court to take into consideration factors that might not be determinative if the court were adjudicating a petition filed directly under one of those subdivisions. [¶] The broad language of subdivision (j) clearly indicates that the trial court is to consider the totality of the circumstances of the child and his or her sibling in determining whether the child is at substantial risk of harm, within the meaning of *any* of the subdivisions enumerated in subdivision (j). The provision thus accords the trial court greater latitude to exercise jurisdiction as to a child whose sibling has been found to have been abused than the court would have in the absence of that circumstance.’ [Citation.]” (*Ibid.*)

Applying this standard, for the reasons discussed above, we conclude the record contains substantial evidence to support the juvenile court’s findings under subdivision (j).

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DISPOSITION

The judgment is affirmed.

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WILLHITE, J.

We concur:

EPSTEIN, P. J.

COLLINS, J.